



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – Acting President**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

## March 6, 2007

### 8:30 A.M. ROLL CALL

Invocation by Associate Pastor Scott Hamilton of the Calvary Community Church

Pledge of Allegiance to the Flag

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

## **Ceremonial Presentations:**

Presentation of the SPCA Pet of the Month – Councilmember Westerlund – **Laid over one week**

Presentation of Awards Certificates to Fresno Area Express Bus Drivers – City Manager's Office - **Presented**

Proclamation of "Pete Espinoza, Sr. Day" – Councilmember Dages - **Presented**

Approve minutes of February 27, 2007

**Action Taken:** Laid over one week

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

### **1. CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. [Approve the appointment of William H. Leifer to the Housing Authority Board of Commissioners – Mayor Autry](#)  
**Action taken:** Approved
- B. \* [Approve agreement between City of Fresno and Fresno Unified School District relating to the joint use of Fig Garden Elementary School baseball field facilities for the purpose of providing recreation and community services to the City of Fresno, and adopt the notice of exemption pursuant to CEQA – Parks, Recreation and Community Services Department](#)  
**Action taken:** Approved
- C. [Amend ground leases covering the Piccadilly Airport Inn and the Piccadilly Express \(formerly the Chateau\) at Fresno Yosemite International \(FYI\) Airport, and cooperate in Lessee's borrowing against their interests in the amended leases by signing Ground Lessor's Consent, Estoppel Certificate and agreements in favor of the lending bank, pursuant to CEQA Categorical Exemption, Guideline 15301, Class 1 \(Existing Leases\) – Airports Department](#)  
**Action taken:** Amended
- D. \* [Approve a cooperative agreement with the San Joaquin Valley Railroad for the repair of sixteen \(16\) railroad crossings within the City of Fresno \(\*Property Located in Council Districts 3 and 5\*\) – Public Works Department](#)  
**Action taken:** Approved  
[1. RESOLUTION - Authorize the Public Works Director or his designee to sign the agreement and all related documents on behalf of the City of Fresno](#)  
**Action taken:** Resolution No. 2007-85 adopted
- E. \* [RESOLUTION – 10<sup>th</sup> amendment to PAR No. 2006-254 adding one \(1\) Senior Wastewater Treatment Plant Operator position – Department of Public Utilities](#)  
**Action taken:** Resolution No. 2007-83 adopted
- F. \* [Approve an interim requirements contract to Polydyne Inc. of Riceboro, Georgia, for cationic polymer in the amount of \\$365,000 – Department of Public Utilities](#)  
**Action taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- G. \* Approve ten (10) year lease of restaurant premises in Chandler Airport Terminal to Kerry Hedberg dba Mak's Landing, pursuant to CEQA Categorical Exemption, Guideline 15301, Class 1 (Existing Leases) – Airports Department  
Action taken: **Approved**
- H. \* Approve proposed amendment to FY 2005-2007 Annual Action Plans to fund through the HOME Program affordable housing projects occurring on N. Echo Avenue, N. Diana Street, N. San Pablo Avenue, California and Maple Avenues, Van Ness and Mildreda Avenues, and delete the Broadway Row, Hotel Fresno and Summerset Homes Projects proposed for development – Finance Department/Budget Division  
Action taken: **Removed from the agenda**
- I. Accept Economic Development and Neighborhood Initiative Grants awarded by the U.W. Department of Housing and Urban Development (HUD) and authorizing the City Manager to sign all implementing documents required by HUD  
Action taken: **Accepted**
1. \* RESOLUTION - Adopting the 61<sup>st</sup> amendment to the AAR No. 2006-253 appropriating \$569,100 of Federal dollars  
Action taken: **Resolution No. 2007-84 adopted**
- J. Amending the Fresno Municipal Code requiring the installation of photo luminescent exit path marking for buildings three (3) stories or more – Fire Department  
Action taken: **Continued to March 13, 2007**
1. RESOLUTION – Consider and adopt findings regarding local climatic, ecological or topographical conditions that support amending the Uniform Fire Code and Uniform Building Code to require the installation of photo-luminescent exit path marking for buildings with three (3) or more stories  
Action taken:
2. \* BILL NO. B-13 (Intro. 2/27/2007) (For adoption) – Amending the Fresno Municipal Code, requiring the installation of photo-luminescent exit path marking for buildings three (3) stories or more  
Action taken:
- K. \* BILL NO. B-19 (Intro. 2/27/2007) (For adoption) – Adding Article 9 to Chapter 8 to the Fresno Municipal Code relating to prohibition against consumption of alcoholic beverages by underage persons and allowing or hosting gatherings where underage persons are consuming alcoholic beverages – Councilmember Dages  
Action Taken: **Ordinance No. 2007-16 adopted**
- L. \* BILL NO. B-15 (Intro. 2/27/07) (For Adoption) – Amend Section 10-310 of the Fresno Municipal Code establishing a Vehicle Immobilization ("Booting") Program Ordinance – Public Works Department  
Action Taken: **Ordinance No. 2007-17 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

9:00 A.M. B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:05 A.M.

### **CITY COUNCIL**

- A. Council discussion regarding City Public Relations: (Councilmember Calhoun)  
**Action Taken:** Discussed, no action taken
1. Council and staff discussion regarding the public information resources memo issued on January 17, 2007  
**Action Taken:**
  2. Direct staff to return to Council in 60 days with a status report on the September 26, 2006, Council Action regarding the contract approval to Astone for publicist services  
**Action Taken:**
- B. Establishment of Council subcommittee for Citywide street impact fees – Councilmember Westerlund  
**Action Taken:** Laid over one week
- C. Council discussion and direction regarding the establishment of a City of Fresno Individual Development Account Program – Council President Perea  
**Action Taken:** Staff directed to return in 45 days with a report, structure and framework for a program
- D. \* **BILL NO. B-11 (Intro. 1/23/2007 and Reintroduced 1/30/2007) (For adoption)** – Amending Section 3-101 and 3-505 repealing subsection (h) of Section 3-105, and repealing and adding Section 3-109.1 of the Fresno Municipal Code, relating to local preference in competitive procurement processes – Councilmember Dages  
**Action taken:** Failed

10:15 A.M.

**TEFRA HEARING** regarding bond issuance for Community Medical Center – Finance Department  
**(Cancelled)**

10:30 A.M.

**HEARING** to consider Rezone Application No. R-05-96, and environmental findings, filed by New Urban Strategies LLC, on behalf of property owners Andrew and Mary Benitez and Wallace and Janice Ihde, Trustees, pertaining to 19.5± acres of property located on the south side of West McKinley Avenue between North Grantland Avenue and the North Bryan Avenue alignment. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 3)** – Planning and Development Department  
**Action Taken:** Held

- a. Consider and adopt Environmental Assessment No. R-05-96/T-5632, determination of Initial Study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan  
**Action Taken:** Adopted
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (Rural Residential, Fresno County) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district  
**Action Taken:** Bill No. B-20/Ordinance No. 2007-18 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:40 A.M.**     **HEARING** to consider Rezone Application No. R-05-104, and environmental findings, filed by New Urban Strategies LLC, on behalf of property owners George Nagata Trust, Trustees Charles and Ellen Plann, and Jean Wagenleitner, pertaining to 106.3± acres of property located between West McKinley and West Olive Avenues along the North Bryan Avenue alignment. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency formation Commission (LAFCO) is the responsible agency. As part of this project, Fresno County has tentatively approved the cancellation of Agricultural Land Conservation Contracts (ALCC) Nos. 1298 and 2956 and partial cancellation of ALCC No. 845 (**Property located in District 3**) – Planning and Development Department

**Action Taken:**    Held

a.    Consider and adopt Environmental Assessment No. R-05-104/T-5633, determination of Initial Study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

**Action Taken:**    Adopted

b.    **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district; and to rezone 7.5± acres of the subject property from the RR (*Rural Residential, Fresno County*) zone district to the O/UGM (*Open Space/Urban Growth Management*) zone district pursuant to the Public Facility/ Neighborhood Park land use designation pertaining to a portion of the overall subject property

**Action Taken:**    Bill No. B-21/Ordinance No. 2007-19 adopted

**10:45 A.M. #1**    **HEARING** to consider the 2007 Weed Abatement Program

**Action taken:**    Held

a.    **BILL** for introduction – Approving the 2007 Weed Abatement Program

**Action taken:**    Bill No. B-22 introduced/laid over

**10:45 A.M. #2**    **HEARING** to consider Rezone Application No. R-06-04, and environmental findings, filed by Fresno Supreme, Inc., pertaining to approximately 35.5 acres of property located on the west side of North Parkway Drive, south of West Herndon Avenue. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency formation Commission (LAFCO) is the responsible agency (**Property located in District 2**) – Planning and Development Department

**Action Taken:**    Held

a.    Consider and adopt Environmental Assessment No. R-06-04/T-5514, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

**Action Taken:**    Adopted

b.    **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district and C-5/UGM (*General Commercial/Urban Growth Management*) zone district

**Action Taken:**    Bill No. B-23/Ordinance No. 2007-20 adopted

**2:00 P.M. #1**     **CONTESTED CONSENT CALENDAR**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

### **2:00 P.M. #2 GENERAL ADMINISTRATION**

- A. [Status report on the implementation of the 2025 General Plan – Planning and Development Department](#)  
[Action Taken:](#) Discussed
- B. [Update regarding the Proactive Annexation and Rezone Program – Planning and Development Department](#)  
[Action Taken:](#) Presentation made
- C. \* [Approve agreement for Workers' Compensation Service Provider Contract between the City of Fresno and American All Risk Loss Administrators and authorize Personnel Services Director to execute agreement of behalf of the City – Personnel Services Department](#)  
[Action Taken:](#) Approved as amended, see minutes
- D. [RESOLUTION – Adopting holistic lifeline measures as a form of utility rate assistance – Public Utilities Department](#)  
[Action Taken:](#) Failed
- E. \* [BILL NO. B- 14 \(Intro. 2/27/2007\) \(For adoption\) – Relating to the repeal of numerous sections and articles of the Fresno Municipal Code, relating to unnecessary, duplicative and outdated provisions – City Attorney's Office](#)  
[Action taken:](#) Ordinance No. 2007-21 adopted

**3:00 P.M.** [Leadership Fresno Class XXIII Earth Day Presentation – Council President Perea](#) – Presentation made

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

Mar.	13 -	9:45 A.M.	Presentation by HandyRide consultant
Mar.	13 -	10:00 A.M.	<b>HEARING</b> to adopt the 2007 Weed Abatement Program
Mar.	13 -	10:05 A.M.#1	<b>HEARING</b> to adopt resolution of intention to annex Final Tract No. 5232 as Annexation No. 14 to City of Fresno Community Facilities District No. 11 (Located in District 5)
Mar.	13 -	10:05 A.M.#2	<b>HEARING</b> to adopt resolution of intention to annex Final Tract No. 5503 as Annexation No. 15 to City of Fresno Community Facilities District No. 11 (Located in District 5)
Mar.	13 -	10:30 A.M.	Discussion regarding Fresno County Fire Protection District – Fire Dept. (30 minutes)
Mar.	13 -	11:00 A.M.	<b>HEARING</b> re: CFD No. 11, Annexation No. 2, Tract No. 5316
Mar.	13 -	11:15 A.M.	Consideration of an interim ordinance extending the temporary moratorium for adult bookstores, motion picture theaters or theaters for an additional 60 days
Mar.	20 -	10:00 A.M.	<b>CONT. HEARING</b> on annexation No. 134, CFD No. 2, Final Tract No. 5312
Mar.	20 -	10:15 A.M.	<b>HEARING</b> on eminent domain, property located at Kings Canyon and Chestnut Avenues
Mar.	20 -	10:30 A.M.	Update on activities and progress of the Fresno County EDC
Mar.	27 -	10:00 A.M.	<b>CONTINUED HEARING</b> to consider amending MFS Resolution No. 80-420 adopting a Finding of Conformity with the General Plan MEIR, and introduction of an ordinance bill establishing new Citywide and new growth and major street impact fees – Public Works Dept.
Mar.	27	10:00 A.M.#2	<b>CONTINUED HEARING</b> regarding traffic signal impact fees
Mar.	27 -	10:15 A.M.	<b>HEARING</b> re: Approving the formation of UUD No. FRE-69 (Ventura Street betw. "M" St and State Route 99)
Mar.	27 -	10:30 A.M.	<b>HEARING</b> re: S-06-287, 4516 N. Chestnut Avenue
Mar.	27 -	2:45 P.M.	<b>HEARING</b> regarding Police, Fire and Parks impact fees
Mar.	27 -	4:00 P.M.	2006 Cycle III Plan Amendments – Planning and Development Dept.
Apr.	3		<b>NO MEETING – EASTER BREAK</b>
Apr.	10 -	10:00 A.M.	<b>HEARING</b> for the vacation of a portion of Yale Avenue west of Weber Avenue – R.I. 1059-D
Apr.	10 -	10:15 A.M.	<b>HEARING</b> to consider the vacation of a portion of the Clinton-Terrace alley east of Blackstone Avenue. (Located in District No. 7)